DEEDS—RESTRICTIVE COVENANT—"BUILDING" DEFINED.—Defendant covenanted that no "building" should be erected on a certain lot within three feet from a side line. Defendant later constructed a house on the lot, the main body of which was more than three feet from said line. But a bay-window and overhanging eaves projected into the restricted space. *Held,* that the term "building" was not limited to the main body of the structure, but included the bay-window and the eaves. *Supplee* v. *Cohen* (N. J. 1912) 83 Atl. 373.

Cases on covenants similar to the above are in decided conflict, and what the term "building" includes seems dependent on the facts in each instance; the character and construction of the particular infringement, and the purpose of the original covenant determine the result of each contest. In *Spilling* v. *Hutcheson,* 111 Va. 179, 68 S. E. 250, a bay-window was held to be prohibited, whereas a porch was not. See note in 71 CENT. L. JOUR. 38; *Bagnall* v. *Davies,* 140 Mass. 76. The following prohibited the construction of bay-windows in the restricted space; *Sanborn* v. *Rice,* 129 Mass. 387; *Bacon* v. *Sanberg,* 179 Mass. 396, 60 N. E. 936; *Pason* v. *Burnham,* 141 Mass. 547; *Kirkpatrick* v. *Peshine,* 24 N. J. Eq. 206. The following excluded porches and porticos from the restricted area: *Ogontz Land etc. Co.* v. *Johnson,* 168 Pa. 178; whereas *Graham* v. *Hite,* 93 Ky. 474 held the word "building" not to include them. In *Atty. Gen.* v. *Ayer,* 148 Mass. 584, a porch was held to be a "portico" or "other usual projection" where such projections were expressly excepted in the building line covenant. In two cases, *Adams* v. *Howell,* 108 N. Y. S. 945, and *Meaney* v. *Stork* (N. J. Eq.) 83 Atl. 492, front steps were not regarded as part of a "building." The case last cited and the principal case, being decided by the same court, indicate a possible distinction to be drawn between covenants respecting the front lines of adjoining lots and those respecting side line restrictions, the former being more strictly construed against their enforcement. For general note on "building restrictions" see 68 CENTRAL L. JOUR. 245.

EQUITY—INFRINGEMENT OF TRADE MARKS—"CLEAN HANDS."—Complainant, administrator of Augustus Pollack, originator of "Pollack's Stogies," sues to restrain the Pollack Stogie company from infringing the Pollack trade marks. Defendant showed that complainant had by his labels on the stogie boxes misled the public to believe that Augustus Pollack still lived, whereas, in fact, he had died in 1908. Pollack's personality was found by the court to be an important element in the retention of the trade good-will which the stogies enjoyed. *Held,* Complainant was entitled to no relief because he did not come into equity with clean hands. *Hazlett* v. *Pollack Stogie Company* (C. C. A.) 195 Fed. 28.

The case is in accord with modern authority. NIMS, UNFAIR BUSINESS COMPETITION, § 270, and cases there cited. Sound policy requires that the public be protected in every possible way from imposition of this kind. Individual hardship may sometimes result, as in the principal case, where the parties are probably innocent of any intentional wrong doing, but trade marks are recognized by the law as property to enable the public to discriminate in what it buys and only incidentally for the purpose of benefitting